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# REPORT OF THE Select Committee on Constitutional Reform

4th Session 31st Parliament  
29 Elizabeth II



SELECT COMMITTEE ON CONSTITUTIONAL REFORM



COMITÉ SPÉCIAL SUR LA RÉFORME CONSTITUTIONNELLE

LEGISLATIVE ASSEMBLY  
ASSEMBLÉE LÉGISLATIVE

The Honourable John E. Stokes, M.P.P.,  
Speaker of the Legislative Assembly.

Sir,

Your Select Committee on Constitutional Reform has the honour to present the Report required by its Order of Reference and recommends that it be considered by the House at the earliest opportunity.

*John P. MacBeth.*  
John P. MacBeth, Q.C., M.P.P.  
Chairman

Queen's Park  
21 October 1980

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## **MEMBERSHIP OF THE COMMITTEE**

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## PREFACE

The Select Committee on Constitutional Reform was established by the Legislative Assembly of the Province of Ontario on May 9, 1980. Resolution 11 stated :

That we the Legislative Assembly of Ontario commit ourselves, as our highest priority, to support full negotiation of a new constitution to satisfy the diverse aspirations of all Canadians and to replace the status quo which is clearly unacceptable; and, further, we affirm our opposition to the negotiation of sovereignty-association; and, therefore, we appeal to all Quebeckers to join with other Canadians in building this national constitution; and, further, we hereby appoint a select committee of the Legislative Assembly of Ontario on constitutional reform to consider and report with dispatch on ways to achieve this objective.

The terms of reference instructed the Committee:

to make recommendations toward the achievement of a new constitution for Canada which would satisfy the diverse aspirations of all Canadians; and that a report of the committee be submitted to the Assembly not later than October 1, 1980, with the provision that the committee be authorized to release its report during the summer adjournment by depositing a copy with the Clerk of the Assembly and that such deposit shall be reported to the Assembly on the resumption of the Session.

The Committee thanks each of the witnesses for sharing their knowledge and concerns.

The Committee has been ably served by its staff and expresses its appreciation to them.

Researchers Mary Beth Currie and Kathleen Hall provided summaries and background papers on short notice and assisted the Committee in its deliberations.


The Legislative Research Service of the Legislative Library provided the services of Dr. Linda Grayson, the Senior Research Officer. She coordinated the research work and drafted proposals reflecting the consensus of the Committee. The Committee believes that this is the first occasion that the Legislative Library has provided this service for a Select Committee and considers it a valuable precedent that should be followed.

Mr. Smirle Forsyth, the Clerk of the Committee, ably assisted by Mr. Franco Carrozza, attended to all administrative matters for the Committee.

The Hansard Reporting Service recorded the proceedings; Patricia Girouard of that office accompanied the Committee so that there would be a full record of its deliberations.

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## INTRODUCTION

In appointing this Committee, the Assembly recognized the vital importance of the current process of constitutional reform. The work of your Committee confirms the significance of this process. Section 92 of the British North America Act, for example, outlines much of the constitution of the Province of Ontario. It necessarily follows that any changes to Section 92 will directly affect the nature and scope of provincial legislative jurisdiction. Moreover, proposed changes to the division of federal-provincial powers and related constitutional changes within the British North America Act will require ratification by the Legislative Assembly. It is our hope that this Interim Report will give Members a clear understanding of proposed changes and their implications for the future of the Province.

Your Committee has struggled over the past months with the thorny question of the federal-provincial division of powers. It is both the most difficult issue and the very essence of constitutional reform. We have been impressed with the possibilities inherent in the concept of concurrent jurisdiction over many of the areas of provincial and federal concern. Concurrent or shared jurisdiction accompanied by the paramountcy of one level of government ensures ongoing discussions and negotiations in areas of mutual interest, while paramountcy guarantees that in the final analysis a decision will be made. Concurrent jurisdiction not only recognizes the inevitable overlap in jurisdiction, but it also gives substance to the concept of co-operative federalism. Your Committee has recommended concurrent jurisdiction in specific areas like fisheries and offshore resources, but recognizes that the concept of concurrency must be further examined.

During your Committee's deliberations, meetings were held with legislators in Yukon, Alberta, Saskatchewan, Quebec, New Brunswick, Nova Scotia, Newfoundland and the federal Parliament. Your Committee was dismayed by the general distrust of Ontario that exists across the country. Our meetings helped to clarify our thoughts and broaden our understanding of

constitutional problems. They may have helped to partially dispel some of the adverse impressions held of Ontario in other jurisdictions. These experiences have convinced your Committee that personal contacts among legislators across Canada are vital, if consensus on constitutional reform is to be reached. Your Committee recommends that ongoing discussions be held among legislators to facilitate the process of constitutional change.

There are opinions and recommendations in the Report with which individual members of the Committee disagree. We have compromised to arrive at recommendations of substance. Since the recommendations represent a consensus on each subject no single member of the Committee should be held responsible for any one of the views expressed in the Report.

## PREAMBLE

Your Committee recommends that a preamble be included in the constitution.

1. The preamble shall begin with the words:

Confident of Our Future

Proud of Our Heritage

We the Peoples of Canada Declare Our Common  
Determination to Remain United and

Commit Ourselves to Common Purposes.

2. that Canadians pledge themselves to a future in which
  - . justice prevails
  - . the community accepts responsibility for the quality of life
  - . the dignity of the individual and community is honoured
  - . equality of condition and opportunity prevail
  - . each sex, race, colour and creed is respected and equal
  - . the continuing duality of the historic communities is recognized and respected
  - . native peoples flourish
  - . ethnic groups are recognized as an intrinsic part of the Canadian fabric
  - . the dignity of labour is respected
  - . sharing among individuals and regions is encouraged
  - . duality and diversity are recognized as compatible and enriching
3. that the achievement of these goals and purposes requires a commitment to:

- . maintain the monarchy
- . strengthen our democratic, parliamentary institutions
- . strengthen federalism
- . and Proclaim Our Constitution

## PATRIATION

Given that the patriation of the British North America Act is essential, the agreement of federal and provincial governments on an amending formula should be reached with dispatch; failing such agreement, patriation with specific and guaranteed safeguards for the provinces is an acceptable though not a desirable alternative.

### Safeguards

- Safeguards for the provinces must include the provisions that:
  1. patriation will take place from Westminster to the people of Canada and will formally reside with Parliament;
  2. all provincial powers, privileges, prerogatives and rights will remain inviolate until such time as there is federal and provincial agreement on an amending formula.

### Summary

Your Committee prefers patriation with federal and provincial agreement on a new constitution including an amending formula or with federal and provincial agreement on at least an amending formula. Past experience and current social, economic and political realities suggest that it is unlikely that agreement will be reached at this time on a new constitution or on an amending formula.

Unilateral action on the part of the federal government to patriate the British North America Act is tolerable only with agreement on the specific provincial safeguards outlined above.

### THE AMENDING FORMULA

The House of Commons shall continue to make amendments under the BNA Act 91:1 provided that:

- . the amendment does not alter the balance of federal-provincial power or otherwise adversely affect the existing rights or privileges enjoyed by the provinces;
- . the amendment is supported by a 2/3 majority within the House of Commons.

Provincial legislatures shall continue to make amendments under the BNA Act 92:1 provided that:

- . the amendment does not alter the balance of federal-provincial power or otherwise adversely affect the existing rights or privileges enjoyed by the federal government;
- . the amendment is supported by a 2/3 majority within the provincial legislature.

Others matters within the constitution may be amended according to the following formula which is based on the recognition of five regions within Canada: British Columbia, Western Canada, Ontario, Quebec and Atlantic Canada.

- . The right to initiate an amendment rests with both levels of government.

### Federal Initiation

- . if an amendment is initiated by the federal government and receives majority approval in the House of Commons;
- . the amendment must be submitted to the legislatures of each of the provinces;

- . if the amendment is ratified by a majority of the legislators in British Columbia, in Ontario and in Quebec, by a majority of legislatures in the four Atlantic provinces and by a majority of the legislatures in the three Western provinces, then the amendment becomes part of the constitution;
- . if the amendment is not ratified according to this formula then the federal government may hold a referendum whereby the amendment must be ratified by a majority of the voters in British Columbia, in Ontario and in Quebec, by a majority of the voters in the four Atlantic provinces and by a majority of the voters in the three Western provinces.

#### Provincial Initiation

- . if an amendment is initiated by a provincial government and receives majority approval of the Legislature;
- . the amendment must be submitted to the House of Commons and to the legislatures of each of the other provinces;
- . if the amendment is ratified by a majority in the House of Commons and by a majority of the legislators in British Columbia, in Ontario and in Quebec, by a majority of the legislatures in the four Atlantic provinces and by a majority of the legislatures in the three Western provinces, then the amendment becomes part of the constitution;
- . if the amendment fails to win majority support in the House of Commons and/or fails to win support according to the above formula, the province that initiated the amendment may call for a referendum provided that the amendment has the support of three other provincial legislatures (at least one of which must be from a region other than that of the initiating province) during the ratification process described above;
- . in that case, the amendment must be ratified by a majority of the voters in British Columbia, in Ontario and in Quebec, by a majority of the voters in the four Atlantic provinces, and by a majority of the voters in the three Western provinces.

## CHARTER OF HUMAN RIGHTS AND FREEDOMS

Your Committee recommends that a Charter of Human Rights and Freedoms with the following provisions be entrenched in the constitution.

### Political Rights

- . freedom of thought, conscience and religion;
- . freedom of opinion and expression;
- . freedom of peaceful assembly and association;
- . freedom of the press;
- . the principle of universal adult suffrage, the right to run for and hold office and free elections to the House of Commons and to the legislative assembly of each province be proclaimed as fundamental principles of the constitution;
- . every House of Commons may continue for five years and no longer, subject to being sooner dissolved by the Governor General, except that in times of real or apprehended war, invasion or insurrection, a House of Commons may be continued if the continuation is supported by a two-thirds vote in the House;
- . every provincial legislative assembly may continue for five years and no longer, subject to being sooner dissolved, except that when the Government of Canada declares that a state of real or apprehended war, invasion or insurrection exists, a provincial legislative assembly may be continued if the continuation is supported by a two-thirds vote in the legislative assembly;

- there shall be a session of the Parliament of Canada and of the legislature of each province at least once in every year, so that twelve months shall not intervene between the last sitting of the Parliament or legislature in one session and its first sitting in the next session.

Note: None of these political rights shall be deemed to confer any legislative power on the Parliament of Canada or the legislature of any province.

### Legal Rights

- the right of the individual to life, liberty and security of his person, and the right not to be deprived thereof except by due process of law;
- the right of the individual person to the use and enjoyment of property, and the right not to be deprived thereof except in accordance with the public good and for just compensation;
- the right of the individual to equality before the law;
- the right to be secure against unreasonable searches and seizures;
- the right of an individual who has been arrested or detained
  - (i) to be informed promptly of the reason for arrest or detention,
  - (ii) to retain and instruct counsel without delay, and
  - (iii) to the remedy by way of habeas corpus for the determination of the validity of any detention and for release if the detention is not lawful;

- . the right of an individual not to give evidence before any court, tribunal, commission, board or other authority if denied counsel, protection against self-crimination, or other constitutional safeguards;
- . the right of an individual to a fair hearing in accordance with the principles of fundamental justice for the determination of rights and obligations;
- . the right of an individual charged with an offence to be presumed innocent until proven guilty according to law in a fair hearing by an independent and impartial tribunal, and the right not to be denied reasonable bail without just cause;
- . the right of an individual to the assistance of an interpreter in any proceedings in which the individual is involved as a party or witness, before a court, commission, board or tribunal, if he does not understand or speak the language in which such proceedings are conducted;
- . the right of an individual not to be held guilty of an offence on account of any act of commission or omission which at the time of the omission or commission did not constitute an offence, and the right of the individual on being found guilty of an offence not to be subjected to a penalty heavier than the one applicable at the time the offence was committed;
- . the right of an individual not to be subjected to cruel and unusual treatment or punishment.

#### Egalitarian Rights

- . the right of each Canadian to settle anywhere in Canada and to enjoy rights identical to those of the citizens of the province in which he settles;

- . the right of the individual to freedom from adverse discrimination for any reason.

#### Undeclared Rights

- . the enumeration in this Charter of certain rights and freedoms shall not be construed to exclude, or to derogate from, any other rights or freedoms that may exist in Canada, including any rights or freedoms that may pertain to the native peoples of Canada.

## LANGUAGE RIGHTS

Your Committee accepts the resolution before the House of Commons regarding the official languages of Canada as follows:

- . English and French shall be the official languages of Canada and shall have equality of status, equal rights and privileges in all federal institutions;
- . everyone shall have the right to use English or French in any debates and other proceedings of Parliament;
- . statutes, records and journals of Parliament shall be printed and published in both official languages and both language versions are equally authoritative;
- . either English or French may be used by any person, in or in any pleading in or process issuing from, any court established by Parliament;
- . individuals shall have the right to communicate with and receive services from the head office of an institution of the Parliament or government of Canada in English or in French and shall have the same rights in those areas that Parliament views as containing a substantial number of persons who use a minority official language.

These rights neither abrogate nor derogate from existing rights, privileges or prerogatives pertaining to either official language.

These rights neither abrogate nor derogate from existing legal or customary, rights and privileges pertaining to other languages.

### Minority Language Education Rights

- The French and English linguistic minority residing within a province shall have the minimum right to have their children educated at the primary and secondary level in the minority language if there are a sufficient number of such children in an area to warrant the use of public funds for this purpose.
- Similar rights hold if a person changes residence from one province to another provided that any child of that person has been receiving his education in either English or French prior to the change of residence.

Your Committee further recommends:

### Minority Language Rights For Other Ethnic Groups

- Your Committee believes that we must seek to enhance the ability of each ethnic group to enjoy and safeguard its heritage for succeeding generations. Your Committee sees minority language rights as including the minimum right to be instructed in other than the official languages as part of transitional education programmes designed to minimize the difficulties encountered by new Canadians and their families. Each government must be free to determine the timing, degree and method of implementing these rights.

### Native Language Rights

- Your Committee believes that we must seek to enhance the ability of native peoples to enjoy and safeguard their heritage for succeeding generations. Your Committee is convinced that both the federal and provincial governments have a special responsibility to provide as a minimum language education rights for native peoples and to ensure that government services are provided in native languages. Each government must be free to determine the timing, degree and method of implementing these rights.

Your Committee considered at length whether Ontario should accept the principle of the obligations already incumbent upon Quebec and Manitoba by virtue of the BNA Act 133 and the Manitoba Act 23. Your Committee was unable to reach a consensus, although a majority accepted the principle. All members wish to study this matter further before making a recommendation.

BNA Act 133    Either the English or the French Language may be used by any person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

Manitoba        Either the English or the French language may be used by any  
Act 23            person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the British North America Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those languages.

## EQUALIZATION

Your Committee recommends that Parliament and the legislatures of Canada commit themselves in the constitution to:

- (a) promoting equal opportunities for the well-being of Canadians;
  - (b) furthering economic development to reduce disparity in opportunities for individual social and economic well-being;
  - (c) providing essential public services of reasonable quality to all Canadians.
- 
- . Parliament and the Government of Canada shall be further committed to the principle of providing equalization payments to provinces that are unable to furnish essential public services of reasonable quality without imposing an undue burden of taxation, or to the principle of making arrangements equivalent to equalization payments.
  - . The questions of equalization and regional development shall be reviewed and discussed by the federal and provincial governments on an ongoing basis.

**Note:** This recommendation deals with the principle of equalization. Further attention must be given to the equalization formula and to the federal spending power.

## THE REFORMED SENATE

- . Your Committee recommends that the Senate be reformed as a body entrusted with protecting legitimate regional/provincial interests and improving federal-provincial relations.

### Functions

- . The functions of the Senate shall include:
  - (a) the critical review and improvement of federal legislation and regulations;
  - (b) the undertaking of investigatory studies;
  - (c) the provision of broader regional representation for political parties and the correction of imbalances in the House of Commons due to the electoral system;
  - (d) the provision of a legislative chamber less dominated by the executive and party discipline;
  - (e) the promotion of federal-provincial consultation on issues which are of mutual concern;
  - (f) the ratification of appointments to major federal boards and agencies including the Supreme Court.
- . The Senate shall be given a suspensive veto of short duration after which a bill would require consideration once more in the House of Commons.

### Method of Appointment

- . Half of the members of the Senate that are to be selected from any one province shall be chosen by the House of Commons, following a federal general election, and half selected by the provincial legislature, following a general election in the province. In each case, the allocation of seats shall be made, so far as is practicable, in proportion to the popular vote received in the province by those political parties contesting the election in question and electing at least one member to the legislature. Members from the Territories shall be selected by the Governor General-in-Council after the election of the territorial councils.
- . Each Senator shall be appointed for a five year renewable term.

### Distribution of Seats

- . In an effort to fairly reflect regional aspirations and interests the following distribution of seats is suggested:

<u>Atlantic</u>		<u>Ontario</u>	<u>Quebec</u>	<u>West</u>		<u>B.C.</u>	<u>Territories</u>
Newfoundland	6	26	30	Alberta	10	12	N.W.T. 1
P.E.I.	4			Saskatchewan	8		Yukon 1
N.B.	10			Manitoba	8		
N.S.	10						
	<hr/>	<hr/>	<hr/>		<hr/>	<hr/>	<hr/>
Total	30	26	30		26	12	2

## THE SUPREME COURT

Your Committee recommends a general court of appeal for Canada called the Supreme Court of Canada. The Supreme Court shall consist of eleven judges, one of whom is the Chief Justice of Canada.

### Eligibility for Appointment

- . A person shall be eligible for appointment as a judge of the Supreme Court if, after having been admitted to the bar of any province, the person has for a total period of at least ten years, been a judge of any court in Canada or a barrister or advocate at the bar of any province.

### Appointment Procedure

- . The appointment procedure shall consist of federal nominations, provincial consultation, and ratification by the Senate;
- . Judges shall be drawn from the various regions;
- . Four judges qualified in the civil law and seven judges qualified in the common law shall be appointed. The Chief Justice shall be appointed from among the judges of the Court.

### Method of Operation

- . Questions arising out of the civil law shall be handled by a panel with a majority of civil law judges;
- . Questions arising out of the common law shall be handled by a panel with a majority of common law judges;
- . Criminal law panels shall be the discretion of the Court.

- . In cases dealing with constitutional issues, or when a constitutional matter is referred to the Supreme Court, the panel shall be the discretion of the Court subject to the provision that on request, the matter shall be submitted to a dualist constitutional bench with an equal number of judges from Quebec and from the other provinces, presided over by the Chief Justice;
- . The reference procedure to the Supreme Court shall be available to the federal government and the provincial governments.

#### Related Recommendation

- . Provisions shall be made to permit county, superior and district judges to be 'borrowed' from one province to another to facilitate the holding of court cases in either official language.

Note: Your Committee has considered a special court for constitutional matters and has concluded that it would be wiser to increase the size of the Supreme Court.

POWERS OVER THE ECONOMY

BNA Act 121    All Articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Your Committee recommends that consultation and intergovernmental co-operation in economic matters be maintained and strengthened through the following proposals.

- .    Section 121 of the British North America Act shall remain.
- .    Conflicts between jurisdictions within Canada on economic policies that directly or indirectly impede the free flow of people, goods, services and capital shall not be resolved through enshrining the common market concept in the constitution; these conflicts shall be resolved through intergovernmental negotiations and Senate promotion of federal-provincial consultation.

## NATURAL RESOURCES AND TRADE

BNA Act 91:2 The Regulation of Trade and Commerce.

91:3 The Raising of Money by any Mode or System of Taxation.

These two federal powers, in particular, have sometimes conflicted with the provinces' power over natural resources as defined in the BNA Act 109.

BNA Act 109 All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.

The four western provinces were placed in the same position as the original provinces by the BNA Act, 1930, 21 Geo. V, c.26 (U.K.).

### Ownership and Jurisdiction

- . The constitution shall reaffirm the ownership granted to the provinces under the BNA Act 109 and the BNA Act, 1930, 21 Geo. V, c. 26 (U.K.). It is understood that these provisions apply to all of the provinces.
- . The constitution shall confirm provincial jurisdiction over natural resources found within their boundaries.

## Trade

- Jurisdiction over interprovincial and international trade shall be concurrent with federal government legislation prevailing in areas of interprovincial trade when it is necessary to serve a compelling national interest that is not merely an aggregate of local interests or when it is a law in relation to the regulation of international trade.

Note: Your Committee is concerned with the concurrency doctrine particularly as it relates to paramountcy and the power of 'peace, order and good government.' Your Committee intends to study this doctrine further and report its findings at a later date.

## Taxation

- Both the federal and provincial governments may tax natural resources by any Mode or System of Taxation.
- The provinces may not authorize taxation that discriminates against other provinces.
- It is understood that the provisions under the BNA Act 125 do not include natural resources.
- Your Committee has also recommended the abolition of the declaratory power.

Note: Although the question of energy pricing is outside the strict definition of constitutional reform, your Committee is convinced that the settlement of the pricing question and the subsequent issue of revenue sharing are crucial to the resolution of the constitutional questions with respect to national resources. Long term guarantees of supply are critical to Ontario and require the acceptance of higher prices. The rate of price increase, however, must be tied to an appropriate agreement on the fair distribution of energy revenues in a fashion that respects both producers' rights and the broad economic interest of all Canadians.

## OFFSHORE RESOURCES

Your Committee recommends that offshore resources be treated in the same way as other natural resources.

Provincial jurisdiction over offshore resources shall be subject to federal paramountcy in questions of environment, national defence and international agreements.

## FISHERIES

- . Your Committee recommends concurrent jurisdiction over fisheries.

The federal government shall have paramountcy in the allocation of total allowable catch, research and conservation, licensing of foreign vessels and international agreements.

The provincial governments shall have paramountcy over the licensing of their own fishing boats and allocation of their federal quotas.

- . A new section of the BNA Act drafted along the lines of Section 95 to read:

In each province the legislature may make laws in relation to the management and regulation of the inland, inshore and offshore fisheries, and the Parliament of Canada may, from time to time, make laws in relation to navigable waters, protection of species and the environment.

## COMMUNICATIONS

BNA ACT 92:10 This section of the Act assigns to the provinces:

92:10a Local Works and Undertakings other than such as are of the following Classes: (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province;

Your Committee recommends increased provincial participation in the field of communications.

- . Both the federal and provincial governments shall be permitted to own and operate national and intraprovincial broadcasting networks respectively;
- . Cable television, including rates, allocation of territories, hardware, and the content of closed circuit cable channels shall be concurrent, with provincial paramountcy;
- . Regulation of the content of radio and television stations and networks shall be concurrent, with federal paramountcy over networks spanning more than one province, and provincial paramountcy over intraprovincial stations and networks;
- . Interprovincial telecommunications shall be primarily a federal responsibility (the regulation of technology and infrastructure of national telecommunications systems);

- . Intraprovincial telecommunications shall be concurrent with provincial paramountcy;
- . The allocation of frequencies and other technical matters shall be federal.

## **FAMILY LAW**

Your Committee recommends more provincial involvement in matters of family law.

- . The provinces shall have the power to legislate the grounds for divorce and corollary relief, if they so choose;
- . The federal government shall retain its power in relation to the jurisdictional basis upon which the courts may award a divorce;
- . The federal government shall retain the power to determine the rules governing the recognition of divorces granted outside the country; but divorces granted within Canada must be recognized by all the provinces and the federal government;
- . A 'full faith and credit' clause shall be included in the constitution with the provisions that (a) due process occurred and (b) that the ruling is not offensive to public policy.

## **Related Recommendations**

From the discussion of a unified Family Law Court, the ancillary question of judicial appointments to the Superior, District and County Courts arose.

## JUDICIAL APPOINTMENTS AND THE ADMINISTRATION OF JUSTICE

BNA Act 96      The Governor General shall appoint the Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

- . Your Committee recommends that this section of the Act be amended so that each province is entitled to appoint Judges of the Superior, District and County Courts within their boundaries, if they should choose to do so. With the appointment of judges goes the financial responsibility for their remuneration.

Your Committee began from the premise that the administration of justice is a provincial matter under the BNA Act 92:14. The federal government decision to establish a federal court system by authority of the BNA Act 101 confuses rather than facilitates the judicial process.

- . Your Committee, therefore, recommends that the BNA Act 101 be amended to restrict the jurisdiction of the federal government to power over limited and very specialized courts and to prevent the development of a system of parallel courts.

PEACE, ORDER AND GOOD GOVERNMENT

BNA Act 91      to make laws for the Peace, Order, and good Government of  
Canada....

Your Committee recommends that the 'Peace, Order, and good Government'  
power remain.

DECLARATORY POWER

BNA Act 92:10(c) Such Works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of two or more of the Provinces.

Your Committee recommends that the declaratory power be abolished.

## RESERVATION AND DISALLOWANCE

- BNA Act 55      Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his Discretion, but subject to the Provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the Signification of the Queen's Pleasure.
- BNA Act 56      Where the Governor General assents to a Bill in the Queen's Name, he shall by the first convenient Opportunity send an authentic Copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within Two Years after Receipt thereof by the Secretary of State thinks fit to disallow the Act, such Disallowance (with a Certificate of the Secretary of State of the Day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament or by Proclamation, shall annul the Act from and after the Day of such Signification.
- BNA Act 57      A Bill reserved for the Signification of the Queen's Pleasure shall not have any Force unless and until, within Two Years from the Day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies by, Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

BNA Act 90      The following Provisions of this Act respecting the Parliament of Canada, namely, - the Provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved, - shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

Your Committee recommends that:

- .    the powers of reservation and disallowance be abolished;
- .    sections 55, 56 and 57 of the British North America be removed;
- .    section 90 be redrafted to remove references to disallowance and reservation.

### EMERGENCY POWER

Your Committee recommends that there be entrenched in the constitution provisions that:

- when an emergency exists the federal government may act;
- the federal declaration of an emergency must be accompanied by the summoning of Parliament;
- the House of Commons must ratify the federal government's declaration of an emergency within seven days if the government is to continue exercising its emergency powers;
- the fundamental rights entrenched in the Charter of Rights and Freedoms shall be inviolable during the emergency.

## NATIVE PEOPLES AND THE CONSTITUTION

Your Committee has heard representations on constitutional reform from several native peoples' organizations in Ontario. During the course of these hearings the native peoples emphasized two themes. First, native peoples claim a unique position within Ontario and, indeed, within Canada itself. This unique position is seen to flow, in part, from their special historic relationship with the Crown. At the same time, the native peoples have never fully consented to becoming part of Canada; nor have all these groups surrendered their sovereignty. The second theme concerns their contemporary status within Canada. Native peoples do not view themselves as either an ethnic minority or a special interest group. Instead, they perceive themselves as political groups with all the attendant and legitimate political rights that naturally follow. They maintain that they have all the attributes of distinct nations including their own systems of government, laws, religions, languages and so on.

Past injustices have served to focus the attention of native peoples on the current process of constitutional reform that will establish the basis for a new relationship between native peoples and the governments in Canada. Native peoples' organizations recognize that virtually every constitutional issue under discussion affects native cultures and community development. Not surprisingly, then, they maintain that all such reforms must be discussed with native leaders who alone have the right to speak directly on behalf of their peoples.

Each organization made a strong case for enshrining native rights in a new constitution prior to patriation of the British North America Act. Their special relationship to the land, their right to speak native languages, the protection of fishing rights, educational rights and the complex question of natural resources need to be addressed in full and open negotiations. Thus, native leaders have demanded full participation in all stages and all parts of the process of reform. Your Committee is satisfied that if the constitutional debate is widened beyond the realm of the eleven First Ministers, the native peoples' organizations have at their disposal mechanisms appropriate for appointing members to participate on their behalf.

## YUKON - RESPONSIBLE GOVERNMENT AND PROVINCIAL STATUS

The development of government in the territory had its beginnings in 1869 and is currently based on both the Yukon Act of 1898 as amended and the Government Organization Act of 1966. The former provided for a Commissioner as head of government and for a legislative body, while the Government Organization Act gave responsibility for directing the Commissioner to the federal minister of Indian Affairs and Northern Development and the Governor-in-Council.

In the autumn of 1979, the Minister of Indian Affairs and Northern Development, by letter, abolished the position of assistant commissioner and substantially reduced the powers of the Commissioner. The executive committee established in 1970 was given greater control over the administration of government and was renamed the executive council or cabinet. The leader of the majority party while authorized to use the title of premier has not assumed this title. Although the cabinet is responsible for administering the affairs of the government, the Commissioner remains the senior representative of the Department of Indian Affairs and Northern Development and performs duties similar to those of Lieutenant-Governor.

The remaining steps toward full responsible government include the further reduction of the federal powers of the Commissioner, full financial control, ownership of Crown lands and the ownership of natural resources. The Yukon Government expressed concern about its legislative authority and was insistent that self-determination is essential in deciding the timing of further constitutional changes in the direction of provincial status.

Your Committee was impressed by the widening gulf which exists between the native and non-native communities of the region. Nowhere is this reality more apparent than in the fact that the Yukon Indians have established their own parallel and representative government.

Land claim negotiations are currently underway. Your Committee believes that a fair and equitable settlement of the Yukon Indian land claims is urgent. In the long run, this settlement will determine the future of the Yukon and the development of provincial status. There is a clear need, then, for the Yukon Legislative Assembly to participate in negotiating the land claims settlement and in the process of constitutional reform.

## THE TASK AHEAD

Severe time constraints coupled with the breadth of the matters included within the scope of constitutional reform have compelled your Committee to narrow its focus primarily to the twelve items under discussion by the First Ministers this fall. There are, however, many other constitutional subjects of equal and, in some cases, greater concern that require further study. The process of constitutional reform is likely to take some time and its progress is not subject to measurement in weeks or months. Given the importance which your Committee attaches to this process and given the significant role which the Legislative Assembly of Ontario will play in the ratification process, it is imperative that attention be focused on the following substantive questions:

- doctrine of concurrency
- federal spending power
- municipalities
- electoral reform of the House of Commons
- native peoples
- transportation
- the process of constitutional change
- resource industries - taxing, ownership and royalties
- immigration and citizenship
- education
- taxation
- agriculture
- foreign policy
- labour relations
- environment
- consumer protection
- tourism
- health, social services and income security
- formula and process of equalization
- implications of BNA Act 133

In view of these considerations your Committee recommends that its work be continued.

APPENDIX A - AGENDA

Monday, 14 July 1980  
2:00 p.m.

The Honourable William G. Davis, Q.C., M.P.P. and  
The Honourable Thomas L. Wells, M.P.P.

Tuesday, 15 July 1980  
10:00 a.m.

Patriation of the Constitution

2:00 p.m.

Amending formula

Wednesday, 16 July 1980  
10:00 a.m.

Charter of Rights (including Language Rights)

2:00 p.m.

Charter of Rights (including Language Rights)

Thursday, 17 July 1980  
10:00 a.m.

Patrick Lawlor, Q.C., M.P.P.

2:00 p.m.

Review

Monday, 21 July 1980  
2:00 p.m.

A New Upper House Involving the Provinces

Tuesday, 22 July 1980  
10:00 a.m.

A New Upper House Involving the Provinces

2:00 p.m.

A New Upper House Involving the Provinces

Wednesday, 23 July 1980  
10:00 a.m.

Supreme Court of Canada

2:00 p.m.

Resource Ownership and Interprovincial Trade

Thursday, 24 July 1980  
10:00 a.m.

Resource Ownership and Interprovincial Trade

Dr. T. P. Mohide, Director, Mineral Resources Branch,  
Ministry of Natural Resources  
Walter Obelnycki, Solicitor, Office of Legal Services,  
Ministry of Natural Resources  
Barry Jones, Solicitor, Office of Legal Services,  
Ministry of Natural Resources  
Wilfrid Peters, Solicitor, Office of Legal Services,  
Ministry of Natural Resources

2:00 p.m.

Review

Monday, 28 July 1980  
2:00 p.m.

Offshore Resources

Tuesday, 29 July 1980  
10:00 a.m.

The Honourable Thomas L. Wells, M.P.P.

2:00 p.m.

Fisheries

Wednesday, 30 July 1980  
10:00 a.m.

Powers Affecting the Economy

2:00 p.m.

Powers Affecting the Economy

Thursday, 31 July 1980  
10:00 a.m.

Communications, Including Broadcasting

Norman Spector, Executive Director,  
Communications Division,  
Ministry of Transportation and Communications

2:00 p.m.

Communications, Including Broadcasting

Norman Spector, Executive Director,  
Communications Division,  
Ministry of Transportation and Communications

Tuesday, 5 August 1980  
2:00 p.m.

Family Law

Wednesday, 6 August 1980  
10:00 a.m.

Family Law

H. Allan Leal, Q.C., Deputy Attorney General  
Karen M. Weiler, Counsel, Policy Development  
Division, Ministry of the Attorney General  
Craig Perkins, Counsel, Policy Development  
Division, Ministry of the Attorney General

2:00 p.m.

The Honourable John P. Robarts, P.C., C.C., Q.C.

Thursday, 7 August 1980  
10:00 a.m.

Division of Powers - Regional Disparities

Jill Logan, Senior Advisor,  
Intergovernmental Finance and Grants Policy Branch  
Ministry of Treasury and Economics  
Ron McGinley, Senior Advisor  
Intergovernmental Finance and Grants Policy Branch  
Ministry of Treasury and Economics

2:00 p.m.

Native Peoples and the Constitution

Friday, 8 August 1980  
10:00 a.m.

Patriation, Amending Formula

Tuesday, 12 August 1980  
10:00 a.m.

The Honourable R. Roy McMurtry, Q.C., M.P.P.  
Attorney General for Ontario

2:00 p.m.

Municipalities; Emergency, Declaratory  
and Residual Powers

Wednesday, 13 August 1980  
10:00 a.m.

Amending Formula

2:00 p.m.

Professor Donald Smiley  
Department of Political Science  
York University

Thursday, 14 August 1980  
10:00 a.m.

The Honourable Dr. Eugene Forsey, O.C.

2:00 p.m.

Amending Formula

Friday, 15 August 1980  
10:00 a.m.

Amending Formula and Language Rights

Monday, 18 August 1980

Travel to Fredericton, New Brunswick

Tuesday, 19 August 1980  
10:00 a.m.

The Honourable Richard B. Hatfield, M.L.A.  
Premier of New Brunswick

Thursday, 19 August 1980  
2:00 p.m.

Professor Bernard Vigod  
Professor T.W. Acheson  
Department of History, University  
of New Brunswick at Fredericton

Wednesday, 20 August 1980  
10:00 a.m. and  
2:00 p.m.

Select Committee on Constitutional Matters  
House of Assembly of Nova Scotia

Thursday, 21 August 1980

9:00 a.m.

The Honourable Jake Epp, P.C., M.P.

10:00 a.m.

Walter Tarnopolsky  
Professor of Law  
University of Ottawa

2:00 p.m.

Michael Kirby, Secretary to the Cabinet  
for Federal-Provincial Relations  
Roger Tasse,  
Deputy Minister of Justice  
Gerard Veilleux  
Assistant Deputy Minister of Finance  
Fredrick Gibson  
Assistant Deputy Minister of Justice  
Nick Gwyn, Acting Assistant Secretary  
to the Cabinet for Renewal of Federation

4:00 p.m.

Lorne Nystrom, M.P.

Friday, 22 August 1980

10:00 a.m.

Sub-committee of the Standing Committee  
on Legal and Constitutional Affairs of the  
Senate

Monday, 25 August 1980

2:00 p.m.

Second Chamber

Tuesday, 26 August 1980

10:00 a.m.

Second Chamber

2:00 p.m.

Second Chamber

Wednesday, 27 August 1980

10:00 a.m.

Supreme Court of Canada; Resource Ownership  
and Interprovincial Trade; Offshore Resources

2:00 p.m.

Supreme Court of Canada, Resource Ownership  
and Interprovincial Trade; Offshore Resources

Thursday, 28 August 1980

10:00 a.m.

Offshore Resources; Fisheries; Powers  
Affecting the Economy

2:00 p.m.

Powers Affecting the Economy; Communications

Tuesday, 2 September 1980  
11:00 a.m.

The Honourable Thomas L. Wells, M.P.P.  
Minister of Intergovernmental Affairs

2:00 p.m.

Family Law

Wednesday, 3 September 1980  
10:00 a.m.

Union of Ontario Indians

Norm Stinson, President of the Union of  
Ontario Indians  
Paul Williams, Legal Advisor  
Richard Powless, Indian Act Revisions Officer  
Joe Miskokomon, Executive Director of  
the Chiefs of Ontario  
Pat Madahbee, Staff Member

11:15 a.m.

Association of Iroquois and Allied Indians

Charles Cornelius, President  
Harry LaForme, Legal Advisor  
Sylvia Thompson, Assistant to the President

Wednesday, 3 September 1980 (cont'd)  
2:00 p.m.

Grand Council Treaty #Three

Fred Kelly, Special Advisor to Grand Council Chief  
Grand Council Chief  
Grant Wedge, Association Representative  
Joe Tom, Indian Government Staff Person

3:15 p.m.

Grand Council Treaty #Nine

Dennis Cromarty, Grand Council Chief  
Fred Plain, Special Advisor to President  
Lyla Brown, Association Representative

Thursday, 4 September 1980  
10:00 a.m.

Ontario Metis and Non-Status Association

Duke Redbird, President  
Damon Johnston, Secretary-Treasurer  
Marty Dunn, Research Officer

2:00 p.m.

Ontario Native Women's Association

Donna Phillips, President  
Priscilla Simard, Provincial Coordinator

Friday, 5 September 1980 10:00 a.m.	Charter of Rights (including Language Rights)
Monday, 8 September 1980 2:00 p.m.	Charter of Rights (including Language Rights)
Tuesday, 9 September 1980 10:00 a.m.	Language Rights
2:00 p.m.	Charter of Rights
Wednesday, 10 September 1980 10:00 a.m.	Charter of Rights; Declaratory, Residual, Reservation, Disallowance and Emergency Powers
2:00 p.m.	Declaratory, Residual, Reservation, Disallowance and Emergency Powers
Thursday, 11 September 1980 10:00 a.m.	Equalization
2:00 p.m.	Preamble/Statement of Principles
Saturday, 13 September 1980	Travel to Edmonton, Alberta
Sunday, 14 September 1980	Travel to Whitehorse, Yukon
Monday, 15 September 1980 9:45 a.m.	Special Committee on Constitutional Development Legislative Assembly of Yukon
2:00 p.m.	Special Committee on Constitutional Development Legislative Assembly of Yukon
Tuesday, 16 September 1980 9:45 a.m.	Special Committee on Constitutional Development Legislative Assembly of Yukon
2:30 p.m.	Council for Yukon Indians  Joe Jack, Vice-Chairman David Porter, Vice-Chairman Chief Ray Jackson David Joe, Counsel

Wednesday, 17 September 1980

9:10 a.m.

Members of the Legislative Assembly of Alberta

The Honourable Dick Johnston, M.L.A.,  
Minister of Federal and Intergovernmental Affairs  
The Honourable Larry Shaben, M.L.A.,  
Minister of Utilities and Telephones

2:10 p.m.

Robert Clark, M.L.A.,  
Leader of the Opposition (Alberta)  
Walter Buck, M.L.A.  
Raymond Speaker, M.L.A.

3:30 p.m.

The Independent Petroleum Association of Canada

N. E. Frost, Executive Vice-President,  
Sulpetro Ltd.  
S. A. Milner, President, Chieftan Development, Co. Ltd.  
and Director IPAC  
R.G. Brawn, President and Chief Executive Officer,  
Turbo Resources Ltd. and Vice-President, IPAC  
J.D. Porter, Managing Director, IPAC

5:15 p.m.

Members of the Legislative Assembly of Alberta

Thursday, 18 September 1980

9:15 a.m.

Canada West Foundation

Stan Roberts, President  
Lee Luxford, Development Officer

Friday, 19 September 1980

9:30 a.m.

Members of the Legislative Assembly of Saskatchewan

The Honourable Allan E. Blakeney, Q.C., M.L.A.,  
Premier of Saskatchewan  
The Honourable G. T. Snyder, M.L.A.,  
Minister of Labour  
Bob Weiss, Executive Director,  
Constitutional Branch,  
Department of Intergovernmental Affairs  
Lionel Bonneville, Officer,  
Department of Intergovernmental Affairs

11:00 a.m.

Opposition Members of the Legislative Assembly  
of Saskatchewan

Grant Devine, Leader of Progressive Conservative  
Party of Saskatchewan

Sunday, 21 September 1980

Travel to St. John's, Newfoundland

Monday, 22 September 1980  
10:00 a.m.

The Honourable Leo Barry, Q.C., M.H.A.,  
Minister of Mines and Energy

2:40 p.m.

Dr. Leslie Harris, Vice-President (Academic)  
Memorial University of Newfoundland  
Professor Valerie Summers,  
Department of Political Science  
Memorial University of Newfoundland

Tuesday, 23 September 1980  
10:00 a.m.

Members of the Liberal Party of Quebec

Claude Ryan, M.N.A.,  
Leader of the Opposition

Wednesday, 24 September 1980  
10:00 a.m.

Michel LeMoignan, M.N.A.,  
Acting Leader, Union National Party

2:00 p.m.

The Honourable Claude Morin, M.N.A.,  
Minister of Intergovernmental Affairs

Thursday, 25 September 1980  
10:00 a.m.

Draft Report

2:00 p.m.

Draft Report

Friday, 26 September 1980  
10:00 a.m.

Draft Report

Wednesday, 1 October 1980  
11:00 a.m.

Sub-Committee - Draft Report

Thursday, 2 October 1980  
10:00 a.m.

Sub-Committee - Draft Report

Wednesday, 8 October 1980  
10:00 a.m.

Draft Report

2:00 p.m.

Draft Report

Wednesday, 15 October 1980  
10:00 a.m.

Draft Report

2:00 p.m.

Draft Report

Thursday, 16 October 1980  
9:00 a.m.

Draft Report

**APPENDIX B - WITNESSES AND PARTICIPANTS**  
(in alphabetical order)

T. W. Acheson  
Professor of History  
University of New Brunswick at Fredericton

William Allen, M.L.A.  
Regina Rosemont (Saskatchewan)

The Honourable Gerard Amerongen, Q.C., M.L.A.  
Speaker of the Legislative Assembly of Alberta

Dennis Anderson, M.L.A.  
Calgary Currie (Alberta)

Robert Andrew, M.L.A.  
Kindersley (Saskatchewan)

Frank Appleby, M.L.A.  
Deputy Speaker of the Legislative Assembly of Alberta

The Honourable Leo Barry, Q.C., M.H.A.  
Minister of Mines and Energy (Newfoundland)

Eric Berntson, M.L.A.  
Leader of the Opposition (Saskatchewan)

Larry Birkbeck, M.L.A.  
Moosomin (Saskatchewan)

The Honourable Allan E. Blakeney, Q.C., M.L.A.  
Premier of Saskatchewan

Lionel Bonneville  
Officer, Constitutional Branch  
Department of Intergovernmental Affairs (Saskatchewan)

Fred Bradley, M.L.A.  
Pincher Creek-Crowsnest (Alberta)

R. G. Brawn  
Vice-President  
Independent Petroleum Association of Canada

The Honourable John E. Brockelbank, M.L.A.  
Speaker of the Legislative Assembly of Saskatchewan

Lyla Brown  
Association Representative  
Grand Council Treaty # Nine

Dr. Walter Buck, M.L.A.  
Clover Bar (Alberta)

David Carter, M.L.A.  
Calgary Millican (Alberta)

Mickey Clark, M.L.A.  
Drumheller (Alberta)

Robert Clark, M.L.A.  
Leader of the Opposition (Alberta)

Michael Clegg  
Law Clerk of the Legislative Assembly of Alberta

Benoit A. Comeau, M.L.A.  
Clare (Nova Scotia)

Roland Cook, M.L.A.  
Edmonton Glengarry (Alberta)

Charles Cornelius  
President, Association of Iroquois and Allied Indians

Shirley Cripps, M.L.A.  
Drayton Valley (Alberta)

Dennis Cromarty  
Grand Council Chief  
Grand Council Treaty # Nine

The Honourable William G. Davis, Q.C., M.P.P.  
Premier of Ontario

Donald Dennison  
Co-ordinator of Intergovernmental Affairs  
Cabinet Secretariat  
Government of New Brunswick

Grant Devine  
Leader of the Progressive Conservative Party of Saskatchewan

Arthur R. Donahoe, M.L.A.  
Speaker-Designate of the House of Assembly of Nova Scotia and  
Chairman, Select Committee on Constitutional Matters

The Honourable Senator Richard Donahoe

The Honourable Senator William Doody

Marty Dunn  
Research Officer  
Ontario Metis and Non-Status Association

Sheila Embry, M.L.A.  
Calgary Northwest (Alberta)

The Honourable Jake Epp, P.C., M.P.  
Provencher

Al Falle, M.L.A.  
Hootalinqua (Yukon Territory)

Leroy Fjordbotten, M.L.A.  
Macleod (Alberta)

Dr. Kevin Foley, M.L.C.  
Member of the Victoria State Parliament and  
Chairman, Public Bodies Review Committee

Claude E. Forget, M.N.A.  
Saint-Laurent (Quebec)

The Honourable Eugene Forsey, O.C.

The Honourable Senator Royce Frith, Q.C.

N.E. Frost  
Past President,  
Independent Petroleum Association of Canada

Fredrick Gibson  
Assistant Deputy Minister of Justice  
Government of Canada

William Gillis, M.L.A.  
Antigonish (Nova Scotia)

The Honourable Senator John Godfrey, Q.C.

The Honourable Senator H. Carl Goldenberg, O.C., O.B.E., Q.C.

The Honourable Douglas Graham, M.L.A.  
Minister of Justice for Yukon Territory and  
Chairman, Special Committee on Constitutional Development

Nick Gwyn  
Acting Assistant Secretary to the Cabinet for  
Renewal of Federation Government of Canada

The Honourable Richard B. Hatfield, M.L.A.  
Premier of New Brunswick

Dr. Leslie Harris  
Vice-President (Academic)  
Memorial University of Newfoundland

Alan Hyland, M.L.A.  
Cypress (Alberta)

Joe Jack  
Vice-Chairman  
Council for Yukon Indians

Chief Roy Jackson  
Council for Yukon Indians

David Joe  
Counsel  
Council for Yukon Indians

Damon Johnston  
Secretary-Treasurer  
Ontario Metis and Non-Status Association

Barry Jones  
Solicitor, Office of Legal Services  
Ministry of Natural Resources (Ontario)

Fred Kelly  
Special Advisor to the Grand Council Chief  
Grand Council Treaty # Three

Michael Kirby  
Secretary to the Cabinet for Federal-Provincial Relations  
Government of Canada

Ken Kowalski, M.L.A.  
Barrhead (Alberta)

Harry LaForme  
Legal Advisor  
Association of Iroquois and Allied Indians

Georges Lalande, M.N.A.  
Maisonneuve (Quebec)

Fernand Lalonde, M.N.A.  
Marguerite-Bourgeoys (Quebec)

Senator the Honourable Maurice Lamontagne, P.C.

Robert Larter, M.L.A.  
Estevan (Saskatchewan)

Patrick Lawlor, Q.C., M.P.P.  
Lakeshore (Ontario)

The Honourable Senator Fernand-E. Leblanc

John Leefe, M.L.A.  
Queens (Nova Scotia)

H. Allan Leal, Q.C.  
Deputy Attorney General for Ontario

Michel Le Moignan, M.N.A.  
Acting Leader  
Union National Party (Quebec)

Dwain Lingenfelter, M.L.A.  
Shaunavon (Saskatchewan)

Jill Logan  
Senior Advisor, Intergovernmental Finance and Grants  
Policy Branch  
Ministry of Treasury and Economics (Ontario)

Lee Luxford  
Development Officer  
Canada West Foundation

Tom Lysons, M.L.A.  
Vermilion-Viking (Alberta)

Pat Madahbee  
Staff Member, Union of Ontario Indians

Norman Magee, M.L.A.  
Red Deer (Alberta)

Herbert Marx, M.N.A.  
D'Arcy McGee (Quebec)

Alice P. McGuire, M.L.A.  
Kluane (Yukon Territory)

Ron McGinley  
Senior Advisor, Intergovernmental Finance and Grants  
Policy Branch  
Ministry of Treasury and Economics (Ontario)

Donald P. McInnes, M.L.A.  
Pictou West (Nova Scotia)

The Honourable R. Roy McMurtry, Q.C., M.P.P.  
Attorney General for Ontario

S.A. Milner  
Director  
Independent Petroleum Association of Canada

Joe Miskokomon  
Executive Director  
Chiefs of Ontario

Dr. T.P. Mohide  
Director, Mineral Resources Branch  
Ministry of Natural Resources (Ontario)

The Honourable Senator Gildas L. Molgat

J. Fraser Mooney, M.L.A.  
Yarmouth (Nova Scotia)

The Honourable Claude Morin, M.N.A.  
Minister of Intergovernmental Affairs (Quebec)

Eric Musgreave, M.L.A.  
Calgary McKnight (Alberta)

The Honourable Senator Joan Neiman

Randy Nelson, M.L.A.  
Yorkton (Saskatchewan)

Robert Norman  
Deputy Minister of Intergovernmental Affairs (Quebec)

Lorne Nystrom, M.P. Yorkton-Melville

Walter Obelnycki  
Solicitor, Office of Legal Services  
Ministry of Natural Resources (Ontario)

Jack Odle, M.P.  
Chairman of Committees, Parliament of Barbados

Edwin Oman, M.L.A.  
Calgary North Hill (Alberta)

Connie Osterman, M.L.A.  
Three Hills (Alberta)

Milt Pahl, M.L.A.  
Edmonton Mill Woods (Alberta)

Tony Penikett, M.L.A.  
Whitehorse West (Yukon Territory)

J. A. Pepper, M.L.A.  
Weyburn (Saskatchewan)

Craig Perkins  
Counsel, Policy Development Division  
Ministry of the Attorney General (Ontario)

Wilfrid Peters  
Solicitor, Office of Legal Services  
Ministry of Natural Resources (Ontario)

Donna Phillips  
President, Ontario Native Women's Association

Robert H. Pickering, M.L.A.  
Bengough-Milestone (Saskatchewan)

Fred Plain  
Special Advisor to the Grand Council Chief  
Grand Council Treaty # Nine

David Porter  
Vice-Chairman  
Council for Yukon Indians

J.D. Porter  
Managing Director  
Independent Petroleum Association of Canada

Richard Powless  
Indian Act Revisions Officer  
Union of Ontario Indians

Duke Redbird  
President, Ontario Metis and Non-Status Association

Jean-Claude Rivest, M.N.A.  
Jean Talon (Quebec)

The Honourable John P. Robarts, P.C., C.C., Q.C.

Stan Roberts  
President  
Canada West Foundation

The Honourable Ronald S. Russell, M.L.A.  
Minister of Consumer Affairs (Nova Scotia)

Claude Ryan, M.N.A.  
Leader of the Opposition (Quebec)

Reed Scowen, M.N.A.  
Notre-Dame-de-Grace (Quebec)

The Honourable Larry Shaben, M.L.A.  
Minister of Utilities and Telephones (Alberta)

Priscilla Simard  
Provincial Co-Ordinator  
Ontario Native Women's Association

Donald Smiley  
Professor of Political Science  
York University

The Honourable Senator G. I. Smith, M.B.E., Q.C.

The Honourable G.T. Snyder, M.L.A.  
Minister of Labour (Saskatchewan)

Raymond Speaker, M.L.A.  
Little Bow (Alberta)

Norman Spector  
Executive Director, Communication Division  
Ministry of Transportation and Communications (Ontario)

Donald Stevenson  
Deputy Minister of Intergovernmental Affairs (Ontario)

The Honourable Senator Richard J. Stanbury, Q.C.

Bohdan Stefaniuk  
Clerk of the Legislative Assembly of Alberta

Norm Stinson  
President, Union of Ontario Indians

John Solomon, M.L.A.  
Regina North-West (Saskatchewan)

Valerie Summers  
Professor of Political Science  
Memorial University of Newfoundland

Walter Tarnopolsky  
Professor of Law  
University of Ottawa

Roger Tasse  
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Henry Woo, M.L.A.  
Sherwood Park (Alberta)

### APPENDIX C - EXHIBITS

- |                            |   |
|----------------------------|---|
| Exhibit No. 1 - 1980 06 10 | - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Order of Reference dated Tuesday, 3 June 1980.  |
| Exhibit No. 2 - 1980 06 10 | - OFFICE OF THE PREMIER - Statement dated 10 June 1980 by the Premier of Ontario on Constitutional Negotiations.  |
| Exhibit No. 3 - 1980 07 14 | - GOVERNMENT OF ALBERTA - Alberta Government Position Paper on Constitutional Change dated October, 1978, entitled "Harmony in Diversity: A New Federalism for Canada".   |
| Exhibit No. 4 - 1980 07 14 | - PROVINCE OF BRITISH COLUMBIA - British Columbia's Constitutional Proposals, Towards a Revised Constitution for Canada, September, 1978.   |
| Exhibit No. 5 - 1980 07 14 | - PROVINCE OF BRITISH COLUMBIA - British Columbia's Constitutional Proposals - "Reform of the Canadian Senate".   |
| Exhibit No. 6 - 1980 07 14 | - PROVINCE OF MANITOBA - Federal-Provincial Conference of First Ministers, Speaking Notes for the Honourable Sterling Lyon, October 30 - November 1, 1978.  |
| Exhibit No. 7 - 1980 07 14 | - PROVINCE OF NEWFOUNDLAND - Federal-Provincial Conference of First Ministers, Opening Statement by the Honourable Frank D. Moores, Premier of Newfoundland, October 30 - November 1, 1978.                           |
| Exhibit No. 8 - 1980 07 14 | - PROVINCE OF NEWFOUNDLAND - Federal-Provincial Conference of First Ministers, Notes for Remarks by the Honourable Frank D. Moores, Premier of Newfoundland, on the Opening Statement, October 30 - November 1, 1978. |
| Exhibit No. 9 - 1980 07 14 | - PROVINCE OF NEW BRUNSWICK - Federal-Provincial Conference of First Ministers, Statement by the Honourable Richard Hatfield on the Constitution, October 30 - November 1, 1978.                                      |

- Exhibit No. 10 - 1980 07 14 - PROVINCE OF NOVA SCOTIA - Address by the Honourable John M. Buchanan, Q.C., Premier of Nova Scotia, to the Constitutional Conference of First Ministers, October 30, 1978.
- Exhibit No. 11 - 1980 07 14 - PROVINCE OF ONTARIO - Opening Statement by the Honourable William G. Davis, Premier of Ontario, to the Federal-Provincial Conference of First Ministers on the Constitution, October 30, 1978.
- Exhibit No. 12 - 1980 07 14 - PROVINCE OF PRINCE EDWARD ISLAND - Statement by the Honourable W. Bennett Campbell, to the Constitutional Conference of First Ministers, October 30, 1978.
- Exhibit No. 13 - 1980 07 14 - PROVINCE OF QUEBEC - Statement by the Prime Minister of Quebec, Mr. Rene Levesque, at the opening of the First Ministers Conference on the Constitution, October 30, 1978.
- Exhibit No. 14 - 1980 07 14 - PROVINCE OF QUEBEC - Constitutional Reform and the Traditional Claims of Quebec - Main Points, February 5-6, 1979.
- Exhibit No. 15 - 1980 07 14 - GOVERNMENT OF SASKATCHEWAN - The Constitution of Canada, A Background Paper, Office of Intergovernmental Affairs, Executive Council, August 1978.
- Exhibit No. 16 - 1980 07 14 - PROVINCE OF BRITISH COLUMBIA - Canadian Constitutional Charter, 1971. Constitutional Conference Proceedings, Victoria, B.C., June 14, 1971.
- Exhibit No. 17 - 1980 07 14 - GOVERNMENT OF CANADA - "A Time for Action", Highlights of the Federal Government's Proposals for the Renewal of the Canadian Federation.
- Exhibit No. 18 - 1980 07 14 - OFFICE OF THE PRIME MINISTER - Highlights of the Constitutional Amendment Bill, 1978.
- Exhibit No. 19 - 1980 07 14 - GOVERNMENT OF CANADA - The Constitutional Amendment Bill, 1978, Explanatory Document.
- Exhibit No. 20 - 1980 07 14 - GOVERNMENT OF QUEBEC - Booklet entitled "Quebec-Canada: A New Deal", the Quebec Government's proposal for a new partnership between equals: sovereignty-association.

- Exhibit No. 21 - 1980 07 14 - PROVINCE OF QUEBEC - Bill 101, Charter of the French Language, Second Session, Twenty-First Legislature.
- Exhibit No. 22 - 1980 07 14 - PROVINCE OF ONTARIO - Opening Statement by the Honourable William G. Davis, Premier of Ontario, to the Federal-Provincial Conference of First Ministers on the Constitution, October 30, 1978.
- Exhibit No. 23 - 1980 07 14 - PROVINCE OF ONTARIO - "Individual Rights" A Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers of the Constitution, October 30, 1978.
- Exhibit No. 24 - 1980 07 14 - PROVINCE OF ONTARIO - "Language Rights" - A Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, October 30, 1978.
- Exhibit No. 25 - 1980 07 14 - PROVINCE OF ONTARIO - "Amending Formula" - Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, October 31, 1978.
- Exhibit No. 26 - 1980 07 14 - PROVINCE OF ONTARIO - "The Courts" - A Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, October 31, 1978.
- Exhibit No. 27 - 1980 07 14 - PROVINCE OF ONTARIO - "Distribution of Powers" - A Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, October 31, 1978.
- Exhibit No. 28 - 1980 07 14 - PROVINCE OF ONTARIO - "Federal-Provincial Relations" - A Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, October 31, 1978.
- Exhibit No. 29 - 1980 07 14 - PROVINCE OF ONTARIO - "Monarchy" - A Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, October 31, 1978.

- Exhibit No. 30 - 1980 07 14 - PROVINCE OF ONTARIO - "Duplication of Services" - A Statement by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, November 1, 1978.
- Exhibit No. 31 - 1980 07 14 - PROVINCE OF ONTARIO - "Statement on Patriation" - by the Honourable William G. Davis, to the Federal-Provincial Conference of First Ministers on the Constitution, February 5, 1979.
- Exhibit No. 32 - 1980 07 14 - MINISTRY OF INTERGOVERNMENTAL AFFAIRS - List of Public Documents on the Constitution, Update, April 1979 - April 1980.
- Exhibit No. 33 - 1980 07 14 - MINISTRY OF INTERGOVERNMENTAL AFFAIRS - Public Documents on the Constitution.
- Exhibit No. 34 - 1980 07 14 - LEGISLATIVE LIBRARY - Sovereignty-Association and Quebec Separatism, compiled by Don Kruger, Information and Reference Librarian, April 1980.
- Exhibit No. 35 - 1980 07 14 - GOVERNMENT OF ONTARIO - Opening statement by the Minister of Intergovernmental Affairs, the Honourable Thomas L. Wells, at the Meeting of the Continuing Committee of Ministers on the Constitution, 8-11 July 1980, Montreal, Quebec.
- Exhibit No. 36 - 1980 07 14 - THE CONSTITUTIONAL COMMITTEE OF THE QUEBEC LIBERAL PARTY - Beige Paper, a New Canadian Federation.
- Exhibit No. 37 - 1980 07 15 - THE TASK FORCE ON CANADIAN UNITY - Report entitled "A Future Together, Observations and Recommendations", prepared by the Task Force on Canadian Unity, January 1979.
- Exhibit No. 38 - 1980 07 15 - GOVERNMENT OF CANADA - Booklet entitled "A Consolidation of The British North American Acts, 1867 to 1975", Department of Justice, Canada.
- Exhibit No. 39 - 1980 07 15 - CANADA - An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms (Canadian Bill of Rights).

- Exhibit No. 40 - 1980 07 15 - HOUSE OF COMMONS DEBATES - Excerpt from the House of Commons Debates, dated 10 June 1980, "Suggested Agenda for the Meeting of First Ministers on the Constitution".
- Exhibit No. 41 - 1980 07 15 - MACLEAN'S MAGAZINE - Article from Maclean's Magazine, dated June 16, 1980 entitled "Constitutional Positions: A Sampler".
- Exhibit No. 42 - 1980 07 15 - FEDERAL-PROVINCIAL CONFERENCE OF FIRST MINISTERS ON THE CONSTITUTION - List of "Best Effort" Draft Proposals with joint government input discussed by First Ministers, February 5-6, 1979.
- Exhibit No. 43 - 1980 07 15 - RONALD S. RUSSELL - Letter dated June 25, 1980, from Ronald S. Russell, Speaker, House of Assembly, Province of Nova Scotia, respecting constitutional matters.
- Exhibit No. 44 - 1980 07 15 - GERARD AMERONGEN - Letter dated June 30, 1980, from Gerard Amerongen, Speaker of the Assembly, Province of Alberta, respecting constitutional reform.
- Exhibit No. 45 - 1980 07 15 - CLEMENT RICHARD - Letter dated 4 July 1980 from Clement Richard, Speaker of the National Assembly of Quebec, regarding constitutional reform.
- Exhibit No. 46 - 1980 07 15 - DON G. MACCORMAC - Letter dated 7 July 1980 from Don G. MacCormac, Assistant Secretary to the Cabinet for Intergovernmental Affairs, to John MacBeth, Q.C., Chairman, Select Committee on Constitutional Reform, regarding constitutional reform.
- Exhibit No. 47 - 1980 07 16 - CANADA - An act respecting the status of the official languages of Canada - (Official Languages Act), S.C. 1968 - 69, c. 54.
- Exhibit No. 48 - 1980 07 16 - GOVERNMENT OF ONTARIO - Revised 1971 Ontario Draft, Preamble of the Constitution.
- Exhibit No. 49 - 1980 07 16 - GOVERNMENT OF CANADA - The Canadian Constitution and Constitutional Amendment Report.

- Exhibit No. 50 - 1980 07 17 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Staff Paper dated 17 July 1980 entitled "Economic Security and the Constitution".
- Exhibit No. 51 - 1980 07 17 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Paper prepared for James Renwick, M.P.P. dated 14 July 1980 entitled "Constituent Assemblies".
- Exhibit No. 52 - 1980 07 17 - RON HAGGART; AUBREY E. GOLDEN - Introduction by Robert Stanfield, M.P., to "The Definitive Analysis of the 1970 October Crisis".
- Exhibit No. 53 - 1980 07 17 - LIBRARY OF PARLIAMENT - "Constitutional Reform: Federal Institutions", a paper prepared by Jeffrey Lawrence, Law and Government Division, Research Branch, Ottawa, 10 April 1980.
- Exhibit No. 54 - 1980 07 17 - PATRICK LAWLOR, Q.C., M.P.P. - Paper entitled "Distribution of Powers," respecting constitutional reform.
- Exhibit No. 55 - 1980 07 17 - RICH BUTLER - Article entitled "Quebec: The People Speak", regarding an interview with Yvon Deschamps.
- Exhibit No. 56 - 1980 07 17 - ADVISORY COMMITTEE ON CONFEDERATION - First Report of the Advisory Committee on Confederation, dated April, 1978.
- Exhibit No. 57 - 1980 07 17 - ADVISORY COMMITTEE ON CONFEDERATION - Second Report of the Advisory Committee on Confederation, The Federal-Provincial Distribution of Powers, dated March, 1979.
- Exhibit No. 58 - 1980 07 21 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - First Draft Agenda dated 18 July 1980.
- Exhibit No. 59 - 1980 07 21 - LEGISLATIVE LIBRARY, RESEARCH AND INFORMATION SERVICES - Paper prepared for the Select Committee on Constitutional Reform by William S. Wu, Chief, Legislative Research Service, entitled "Full Employment and Freedom from Want, Sweden's Labour Legislation".
- Exhibit No. 60 - 1980 07 21 - CONSTITUTIONAL DOCUMENTS OF CANADA - The Royal Proclamation, 7 October 1763.

- Exhibit No. 61 - 1980 07 21 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Staff Paper entitled "Human Rights: Some Considerations".
- Exhibit No. 62 - 1980 07 22 - JEAN MARCHAND - Letter from Jean Marchand, Speaker of the Senate of Canada, respecting constitutional reform.
- Exhibit No. 63 - 1980 07 22 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Staff Paper dated 22 July 1980, entitled "Countries with Second Chambers".
- Exhibit No. 64 - 1980 07 22 - GOVERNMENT OF CANADA - News Releases dated July, 1980, issued by the Minister of Justice, the Honourable Jean Chretien, relating to constitutional matters.
- Exhibit No. 65 - 1980 07 22 - GLOBE AND MAIL - Newspaper clipping by Stan Oziewicz, "Lack of allies dooms province contesting Chretien document".
- Exhibit No. 66 - 1980 07 22 - GOVERNMENT OF CANADA - Statement by the Honourable Jean Chretien, July 9, 1980, "Patriation of the Constitution".
- Exhibit No. 67 - 1980 07 22 - GOVERNMENT OF CANADA - Statement by the Honourable Jean Chretien, July 9, 1980, "Statement of Principles".
- Exhibit No. 68 - 1980 07 22 - GOVERNMENT OF CANADA - Statement by the Honourable Jean Chretien, July 8 - 11, 1980 - "Communications".
- Exhibit No. 69 - 1980 07 22 - GOVERNMENT OF CANADA - Statement by the Honourable Jean Chretien, July 8 - 11, 1980 "Family Law".
- Exhibit No. 70 - 1980 07 22 - GOVERNMENT OF CANADA - Statement by the Honourable Jean Chretien, July 9, 1980 "Charter of Rights and Freedoms".
- Exhibit No. 71 - 1980 07 23 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM AGENDA - Second Draft, 23 July 1980 of the Agenda for the Committee.
- Exhibit No. 72 - 1980 07 23 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Staff Paper dated 25 July 1980 entitled "The Supreme Court of Canada".

- Exhibit No. 73 - 1980 07 23 - CANADIAN BAR ASSOCIATION REVIEW  
-Article from the Canadian Bar Association Review, July - August 1980, "Constituent Assembly an Alternative".
- Exhibit No. 74 - 1980 07 23 - GOVERNMENT OF QUEBEC - Notes for a speech on "Powers Affecting the Economy".
- Exhibit No. 75 - 1980 07 23 - ECONOMIC POWERS CURRENTLY UNDER FEDERAL JURISDICTION - Appendix, Economic Powers Currently Under Federal Jurisdiction.
- Exhibit No. 76 - 1980 07 23 - GOVERNMENT OF CANADA - Statement by the Honourable Jean Chretien at the Continuing Committee of Ministers on the Constitution, Montreal, 8 July 1980, relating to Powers over the Economy.
- Exhibit No. 77 - 1980 07 23 - GOVERNMENT OF CANADA - Meeting of the Continuing Committee of Ministers on the Constitution, Montreal, 8-11 July 1980, relating to Powers over the Economy.
- Exhibit No. 78 - 1980 07 23 - GOVERNMENT OF CANADA - "Powers over the Economy: Securing the Canadian Economic Union in the Constitution", 9 July 1980.
- Exhibit No. 79 - 1980 07 24 - COUNCIL FOR CANADIAN UNITY - Booklet dated June 1980, entitled "Views of the Council for Canadian Unity on Constitutional Reform".
- Exhibit No. 80 - 1980 07 24 - CHRISTOPHER ARMSTRONG - Article entitled "The Mowat Heritage in Federal-Provincial Relations".
- Exhibit No. 81 - 1980 07 24 - PROVINCE OF MANITOBA - Excerpt from the Manitoba Act, page xiii.
- Exhibit No. 82 - 1980 07 24 - GOVERNMENT OF CANADA - News Release dated 8 July 1980 from the Office of the Honourable Jean Chretien.
- Exhibit No. 83 - 1980 07 24 - GOVERNMENT OF CANADA - Opening Statement by the Honourable Jean Chretien to the Continuing Committee of Ministers on the Constitution.
- Exhibit No. 84 - 1980 07 24 - IAN MCDUGALL - Article in Canada Challenged: The Viability of Confederation, Canadian Institute of International Affairs, entitled "Energy and the future of federalism: national harmony or continental hegemony?".

- Exhibit No. 85 - 1980 07 24 - GOVERNMENT OF ONTARIO - Factum of the Attorney General of Ontario, in the Supreme Court of Canada, F. W. Callaghan, Q.C., Deputy Attorney General.
- Exhibit No. 86 - 1980 07 24 - RICHARD SIMEON - Article entitled "Natural Resource Revenues and Canadian Federalism: A Survey of the Issues", by Richard Simeon, Institute of Intergovernmental Affairs, Queen's University.
- Exhibit No. 87 - 1980 07 24 - LONDON FREE PRESS - Article dated 14 June 1980 from the London Free Press, entitled "Lougheed Pleads Alberta's Case".
- Exhibit No. 88 - 1980 07 28 - TORONTO STAR - Article dated 2 February 1980 page B5, by John Honderick relating to provincial control of offshore resources.
- Exhibit No. 89 - 1980 07 28 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Staff Paper dated 25 July 1980 entitled "The Declaratory Power and Atomic Energy: A Case Example".
- Exhibit No. 90 - 1980 07 29 - HOUSE OF COMMONS - Letter dated 24 July 1980 from the Honourable Jeanne Sauve, Speaker, relating to a committee dealing with constitutional reform.
- Exhibit No. 91 - 1980 07 29 - YUKON LEGISLATIVE ASSEMBLY - Letter dated 22 July 1980 from the Honourable Doug Graham, Chairman, Special Committee on Constitutional Development, relating to an invitation to meet with the Yukon Special Committee.
- Exhibit No. 92 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet entitled "The Constitutional Amendment Bill, 1978 Explanatory Document", 1978.
- Exhibit No. 93 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet issued by the Honourable Otto E. Lang, Minister of Justice, entitled "Constitutional Reform - The Supreme Court of Canada - Highlights".
- Exhibit No. 94 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet issued by the Honourable Marc Lalonde, Minister of State for Federal-Provincial Relations, entitled "Constitutional Reform - House of the Federation - Highlights".

- Exhibit No. 95 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet issued by the Honourable Otto E. Lang, Minister of Justice, entitled "Constitutional Reform - Canadian Charter of Rights and Freedoms - Highlights".
- Exhibit No. 96 - 1980 07 29 - GOVERNMENT OF CANADA - The Constitutional Amendment Bill, Text and Explanatory Notes.
- Exhibit No. 97 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet entitled "Highlights of the Constitutional Amendment Bill, 1978".
- Exhibit No. 98 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet issued by the Honourable Otto E. Lang, Minister of Justice, entitled "Constitutional Reform - The Supreme Court of Canada".
- Exhibit No. 99 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet issued by the Honourable Marc Lalonde, Minister of State for Federal-Provincial Relations, entitled "Constitutional Reform - House of the Federation".
- Exhibit No. 100 - 1980 07 29 - GOVERNMENT OF CANADA - Booklet issued by the Honourable Otto E. Lang, Minister of Justice, entitled "Constitutional Reform - Canadian Charter of Rights and Freedoms".
- Exhibit No. 101 - 1980 07 30 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Third Draft Agenda dated 25 July 1980.
- Exhibit No. 102 - 1980 07 30 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Fourth Draft Agenda dated 30 July 1980.
- Exhibit No. 103 - 1980 07 31 - GALLOP POLL - Gallop poll dated Saturday, 26 July 1980, relating to Canadian produced programming.
- Exhibit No. 104 - 1980 07 31 - GOVERNMENT OF ONTARIO - Ontario's discussion proposals concerning resources and powers over the economy, Ontario discussion proposal on principals of the economic union, and further discussion draft, section 121 - Ontario, dated 23 July 1980.
- Exhibit No. 105 - 1980 08 06 - MINISTRY OF INTERGOVERNMENTAL AFFAIRS - News Release dated 5 August 1980 by the Honourable Tom Wells relating to Ontario's constitutional position on matters being considered by ministers and first ministers.

- Exhibit No. 106 - 1980 08 06 - PROCEEDINGS OF A MULTICULTURAL CONFERENCE ON CANADIAN UNITY - Book entitled "Unity within Diversity", edited by Shiu L. Kong and Riten Ray, University of Toronto Press, 1978.
- Exhibit No. 107 - 1980 08 06 - EUGENE FORSEY - Notes on the Ryan Proposals, "A New Canadian Federation": Parts I and II.
- Exhibit No. 108 - 1980 08 07 - C. D. HOWE RESEARCH INSTITUTE - Article entitled "Refinancing the Canadian Federation: A survey of the 1977 Fiscal Arrangements Act" by Thomas J. Courchene.
- Exhibit No. 109 - 1980 08 08 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Fifth Draft Agenda dated 8 August 1980.
- Exhibit No. 110 - 1980 08 12 - TORONTO STAR - Gallup poll dated 6 August 1980 headlined "Most agreed on constitutional reform".
- Exhibit No. 111 - 1980 08 12 - LEGISLATIVE RESEARCH SERVICE - Document prepared by William S. Wu headlined "Canadian and World Oil Prices (1973-1980)".
- Exhibit No. 112 - 1980 08 12 - GOVERNMENT OF BRITISH COLUMBIA - Discussion paper #8, "Distribution of Legislative Powers", 1978.
- Exhibit No. 113 - 1980 08 14 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Sixth draft Agenda dated 14 August 1980.
- Exhibit No. 114 - 1980 08 14 - CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION - The 1980's: A decade of Diversity, A Report of the Committee on Extension of Service to Northern and Remote Communities.
- Exhibit No. 115 - 1980 08 14 - MINISTRY OF TRANSPORTATION AND COMMUNICATIONS  
- Telecommunications Digest.
- Exhibit No. 116 - 1980 08 14 - LA PRESS - Excerpts from the 3 March 1980 Issue of La Press.
- Exhibit No. 117 - 1980 08 14 - GOVERNMENT OF ONTARIO - Correspondence dated 4 April 1980 to the Honourable Thomas Wells, Minister of Intergovernmental Affairs from the Honourable James Snow, Minister of Transportation and Communications.

- Exhibit No. 118 - 1980 08 14 - MINISTRY OF TRANSPORTATION AND COMMUNICATIONS - Glossary of Telecommunications Terms.
- Exhibit No. 119 - 1980 08 19 - GOVERNMENT OF NEW BRUNSWICK - Draft Bill to recognize the equality of the two official linguistic societies in New Brunswick.
- Exhibit No. 120 - 1980 08 20 - SELECT COMMITTEE ON CONSTITUTIONAL MATTERS - Letter dated 19 August 1980 from D. G. L. Fraser, Secretary to the Committee, to the Clerk of the Select Committee on Constitutional Reform.
- Exhibit No. 121 - 1980 08 20 - SELECT COMMITTEE ON CONSTITUTIONAL MATTERS - Interim reports of the proceedings of the Nova Scotia House of Assembly - Select Committee on Constitutional Matters, dated 21 December 1979.
- Exhibit No. 122 - 1980 08 25 - MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT - Information re salaries and pensions of Senators.
- Exhibit No. 123 - 1980 08 25 - DEBATES OF THE SENATE - List of Senators of Canada.
- Exhibit No. 124 - 1980 08 25 - SUPREME COURT OF CANADA - Decision in the matter of a Reference by the Governor General in Council concerning the Ownership of and Jurisdiction over Offshore Mineral Rights as set out in Order in Council P.C. 1965 - 750 dated 26 April 1965.
- Exhibit No. 125 - 1980 08 28 - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - "Towards the Twenty-First Century -Together; the Position of the Government of Newfoundland regarding Constitutional Change," dated 18 August 1980.
- Exhibit No. 126 - 1980 08 28 - ALVAN GAMBLE - Letters dated 21 August 1980 from Alvan Gamble, to the Clerk of the Committee with supporting documents.
- Exhibit No. 127 - 1980 08 28 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Seventh Draft Agenda dated 28 August 1980.
- Exhibit No. 128 - 1980 08 28 - GOVERNMENT OF BRITISH COLUMBIA - Constitutional Proposals - Paper No. 3 entitled "Reform of the Senate".

- Exhibit No. 129 - 1980 09 02 - TORONTO STAR - Article dated 11 August 1980 entitled "Only change to rights bill will be to make it better" by Walter Tarnopolsky and article dated 11 August 1980 entitled "Bill of Rights" A moment of glory then little for more than a decade" by Stephen Handelman.
  
- Exhibit No. 130 - 1980 09 02 - INDIA - Constitution of India.
  
- Exhibit No. 131 - 1980 09 02 - QUEBEC - An Act to amend the Charter of Human Rights and Freedoms, S.Q. 1976.
  
- Exhibit No. 132 - 1980 09 03 - GRAND COUNCIL TREATY NO. THREE -Discussion Paper dated July 1980 by the Chiefs of Ontario on the Constitution and Indian People.
  
- Exhibit No. 133 - 1980 09 03 - GRAND COUNCIL TREATY NO. THREE -Letter dated 2 September 1980 from Robin Greene, Grand Council Chief, to the Honourable William Davis, Premier of Ontario.
  
- Exhibit No. 134 - 1980 09 03 - GRAND COUNCIL TREATY NO. THREE -Draft report entitled "Indians and the current constitutional discussions".
  
- Exhibit No. 135 - 1980 09 03 - GRAND COUNCIL TREATY NO. THREE -Opinion, dated 7 August 1980 by Edward McWhinney, Q.C., on the constitutional status of the Indian people in a new Canadian federal system.
  
- Exhibit No. 136 - 1980 09 03 - GRAND COUNCIL TREATY NO. NINE - Brief dated 3 September 1980 by Dennis Cromarty, Grand Council Chief, and Fred Plain, Special Advisor, to the Select Committee on Constitutional Reform entitled "The Nishnawbe-Aski Nation and the Constitution".
  
- Exhibit No. 137 - 1980 09 04 - ONTARIO METIS AND NON-STATUS INDIAN ASSOCIATION - Position of the Association on native participation in the process of patriation and reform of the Constitution of Canada.
  
- Exhibit No. 138 - 1980 09 04 - ONTARIO METIS AND NON-STATUS INDIAN ASSOCIATION - Publication entitled "Dimensions", Volume 8, Number 3, June/July 1980.
  
- Exhibit No. 139 - 1980 09 04 - ONTARIO NATIVE WOMEN'S ASSOCIATION - Discussion paper dated 29 August 1980 presented to the Honourable William Davis, Q.C., Premier of Ontario, entitled "Constitutional Reform Debates".

- Exhibit No. 140 - 1980 09 04 - CANADIAN BAR ASSOCIATION - Recommendations relating to the native peoples of Canada and the Canadian Constitution.
- Exhibit No. 141 - 1980 09 04 - ASSOCIATION DU BARREAU CANADIEN - Paper dated 27 August 1980 by Gerald A. Beaudoin, Professor of Constitutional Law, University of Ottawa, entitled "Mecanisme d'elaboration d'une constitution nouvelle".
- Exhibit No. 142 - 1980 09 04 - LAW REFORM COMMISSION OF MANITOBA - Working paper dated December 1974 entitled "The Case for a Provincial Bill of Rights".
- Exhibit No. 143 - 1980 09 08 - GLOBE AND MAIL - Article dated 1978 by William Johnson entitled "View from Quebec" relating to language rights.
- Exhibit No. 144 - 1980 09 08 - GLOBE AND MAIL - Article dated 1978 by William Johnson entitled "View from Quebec" relating to an open letter to the Premier of Ontario.
- Exhibit No. 145 - 1980 09 08 - GOVERNMENT OF CANADA - Discussion draft dated 4 July 1980 entitled "Rights and Freedoms within the Canadian Federation", document number 830-81/027.
- Exhibit No. 146 - 1980 09 08 - RICHARD SIMEON - Paper entitled "Some Observations of Powers over the Economy".
- Exhibit No. 147 - 1980 09 08 - ONTARIO CONFERENCE, SEVENTH DAY ADVENTISTS CHURCH - Letter dated 26 August 1980 from E. C. Beck, President, to the Honourable John E. Stokes, M.P.P., with attached letter dated 12 August 1980 to the Premier of Ontario, relating to freedom of religion.
- Exhibit No. 148 - 1980 09 09 - TORONTO STAR - Letter to the Editor dated 18 August 1980 from Duke Redbird, President, Ontario Metis and Non-Status Indian Association.
- Exhibit No. 149 - 1980 09 09 - TORONTO STAR - Article dated 7 September 1980 by Paul Williams entitled "Why Indians demand a say in the talks".
- Exhibit No. 150 - 1980 09 10 - STATUTES OF GREAT BRITAIN - 6 and 7 Geo. 5, Chapter 19, An Act to amend the British North America Act, 1867, relating to extension of the Twelfth Parliament of Canada until 7 October 1917.

- Exhibit No. 151 - 1980 09 10 - GOVERNMENT OF CANADA - Discussion Paper entitled "Securing the Canadian Economic Union in the Constitution".
- Exhibit No. 152 - 1980 09 16 - COUNCIL FOR YUKON INDIANS - Booklets entitled "Together Today ... For Our Children Tomorrow", volumes I and II.
- Exhibit No. 153 - 1980 09 17 - INDEPENDENT PETROLEUM ASSOCIATION OF CANADA - Annual Report, 1979.
- Exhibit No. 154 - 1980 09 17 - GOVERNMENT OF ALBERTA - Pamphlet entitled "Alberta Fact Sheet 1980".
- Exhibit No. 155 - 1980 09 17 - ALBERTA CHAMBER OF COMMERCE - Submission dated 17 September 1980 to the Economic Affairs Caucus Committee of the Progressive Conservative Party of Alberta.
- Exhibit No. 156 - 1980 09 19 - GOVERNMENT OF SASKATCHEWAN - Document entitled "The Future of Canada - A Saskatchewan Perspective".
- Exhibit No. 157 - 1980 09 19 - GOVERNMENT OF SASKATCHEWAN - Document entitled "Resources - The Saskatchewan Position; First Ministers' Conference on the Constitution, Ottawa, 8-12 September 1980".
- Exhibit No. 158 - 1980 09 19 - GOVERNMENT OF SASKATCHEWAN - Document entitled "Powers over the Economy - The Saskatchewan Position; First Ministers' Conference on the Constitution, Ottawa, 8-12 September 1980".
- Exhibit No. 159 - 1980 09 22 - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - Booklet entitled "Heritage of the Sea ... our case on offshore mineral rights".
- Exhibit No. 160 - 1980 09 22 - LEO BARRY - Paper dated April, 1979, entitled "Interprovincial Electrical Energy Transfers: The Constitutional Background".
- Exhibit No. 161 - 1980 09 22 - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - Discussion Paper dated May, 1980, by the Honourable A. Brian Peckford, M.H.A., Premier and Minister for Intergovernmental Affairs, on Major Bilateral Issues, Canada-Newfoundland".

- Exhibit No. 162 - 1980 09 22 - LOWER CHURCHILL DEVELOPMENT CORPORATION LIMITED - Presentation to the Shareholders dated 25 June 1980 outlining opportunities which exist for the development of untapped hydro-electric potential of the Churchill River.
  
- Exhibit No. 163 - 1980 09 22 - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - Speaking notes dated September, 1980, on Fisheries for the Honourable A. Brian Peckford, M.H.A., Premier, at the Federal-Provincial Conference of First Ministers on the Constitution, document 800-014/057.
  
- Exhibit No. 164 - 1980 09 22 - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - Notes for a statement on Offshore Resources by the Honourable A. Brian Peckford, M.H.A., Premier, dated September, 1980, at the Federal-Provincial Conference of First Ministers on the Constitution, document 800-014/056.
  
- Exhibit No. 165 - 1980 09 24 - LE PARTI UNION NATIONALE - Declaration de M. Michel Le Moignan, M.N.A., Chef interimaire, sur la constitution canadienne, Montreal, 9 aout 1980.
  
- Exhibit No. 166 - 1980 09 24 - LE PARTI UNION NATIONALE - Document entitled "Le temps du debat constitutionnel: l'union nationale et le Canada de demain", fevrier 1979.
  
- Exhibit No. 167 - 1980 09 25 - GOVERNMENT OF YUKON - Document entitled "Constitutional Change for Yukon".
  
- Exhibit No. 168 - 1980 09 25 - GOVERNMENT OF YUKON - Statement of the Government of Yukon on the Current Constitutional Talks and on Constitutional Goals for Yukon.
  
- Exhibit No. 169 - 1980 09 25 - ONTARIO METIS AND NON-STATUS INDIAN ASSOCIATION - Presentation Text of Interim Draft Report of the Committee Investigating Special Status of the Metis and Non-Status Indians of Ontario submitted by Sonny Pelletier, Secretary-Treasurer.
  
- Exhibit No. 170 - 1980 09 25 - ONTARIO METIS AND NON-STATUS INDIAN ASSOCIATION - Appendices 1-9 of the Draft Report of the Committee Investigating Special Status of the Metis and Non-Status Indians of Ontario.

- Exhibit No. 171 - 1980 09 25      - GOVERNMENT OF QUEBEC - Opening statement by the Honourable Rene Levesque, Premier, to the Federal-Provincial Conference of First Ministers on the Constitution, Ottawa, 8-12 September 1980, document 800-14/037.
  
- Exhibit No. 172 - 1980 09 25      - GOVERNMENT OF QUEBEC - Proposal for a common stand of the Provinces at the Federal-Provincial Conference of First Ministers on the Constitution, Ottawa, 8-12 September 1980, document 800-14/085.
  
- Exhibit No. 173 - 1980 09 25      - GOVERNMENT OF QUEBEC - Transcription de l'intervention du Premier ministre du Quebec, M. Rene Levesque, a la seance de cloture de la Conference federale-provinciale des Premiers ministres a Ottawa, le 13 septembre 1980, document 800-14/086.
  
- Exhibit No. 174 - 1980 09 25      - LEO D. BARRY - Document dated 14 September 1978 entitled "Constitutional Matters of Concern to the Province of Newfoundland".
  
- Exhibit No. 175 - 1980 09 25      - LEO BARRY - Review in the Dalhousie Law Journal of the Book "Towards a New Canada" published by the Canadian Bar Association.
  
- Exhibit No. 176 - 1980 09 25      - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - White Paper dated May, 1977, issued by the Honourable A. Brian Peckford, M.H.A., Minister of Mines and Energy, respecting the Administration and Disposition of Petroleum belonging to Her Majesty in Right of the Province of Newfoundland.
  
- Exhibit No. 177 - 1980 09 25      - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - Guidelines and Procedures under certain sections of The Newfoundland and Labrador Petroleum Regulations, 1977, dated 30 November 1978.
  
- Exhibit No. 178 - 1980 09 25      - GOVERNMENT OF NEWFOUNDLAND AND LABRADOR - An Act respecting Petroleum and Natural Gas and Nfld. Reg. 139/78.
  
- Exhibit No. 179 - 1980 09 26      - GOVERNMENT OF ALBERTA - Document dated 25 July 1980 entitled "Alberta's "Energy Package" Proposal Including Commitments for Canadian Energy Self-Sufficiency".

- Exhibit No. 180 - 1980 09 26 - INSTITUTE FOR INTERGOVERNMENTAL AFFAIRS - Book by William P. Irvine entitled "Does Canada Need a New Electoral System?".
- Exhibit No. 181 - 1980 09 26 - ONTARIO NATIVE WOMEN'S ASSOCIATION - Booklet entitled "Ontario Native Women - A Perspective".
- Exhibit No. 182 - 1980 10 01 - STATUTES OF MASSACHUSETTS - The Education Act, 1977.
- Exhibit No. 183 - 1980 10 01 - STATUTES OF MASSACHUSETTS - The Education Act, 1979.
- Exhibit No. 184 - 1980 10 01 - STATUTES OF THE UNITED STATES - Education - Bilingual Education Programmes.
- Exhibit No. 185 - 1980 10 02 - THE PUBLIC SECTOR - Article dated 29 September 1980 entitled "Confrontation unavoidable over energy, constitution?"
- Exhibit No. 186 - 1980 10 02 - MINISTRY OF NATURAL RESOURCES - Letter dated 2 October 1980 from Walter J. Obelnycki, Solicitor, Legal Services Branch, to the Clerk of the Committee relating to questions from the Select Committee.
- Exhibit No. 187 - 1980 10 08 - GOVERNMENT OF CANADA - The Canadian Constitution 1980 - Proposed Resolution respecting the Constitution of Canada.
- Exhibit No. 188 - 1980 10 08 - ASSOCIATION CANADIENNE D'EDUCATION DE LANGUE FRANCAISE - Document dated February, 1979 entitled "The Canadian Constitution and the Rights of Francophones".
- Exhibit No. 189 - 1980 10 08 - GOVERNMENT OF SASKATCHEWAN - Letter dated 30 September 1980 from the Honourable Roy J. Remanow, Minister of Intergovernmental Affairs, to the Chairman of the Committee relating to the Interim Draft Report of the Committee.
- Exhibit No. 190 - 1980 10 08 - CHRISTOPHER ARMSTRONG - Thesis dated 1972 entitled "The Politics of Federalism: Ontario's Relations with the Federal Government 1896-1941".
- Exhibit No. 191 - 1980 10 08 - GOVERNMENT OF CANADA - Document entitled "Highlights of a proposed Resolution respecting the Constitution of Canada".

- Exhibit No. 192 - 1980 10 08 - GOVERNMENT OF CANADA - Document entitled "Explanation of a proposed Resolution respecting the Constitution of Canada".
- Exhibit No. 193 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - A Summary of Recommendations and Positions on Select Aspects of Canadian Constitutional Reform: Patriation, Amending Formula, Charter of Human Rights (Including Language Rights) and Equalization, 14 July 1980.
- Exhibit No. 194 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - The Upper Chamber: A Summary of Recommendations and Positions, 21 July 1980.
- Exhibit No. 195 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - The Supreme Court: A Summary of Recommendations and Positions, 21 July 1980.
- Exhibit No. 196 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Natural Resources and Interprovincial Trade: A Summary of Recommendations and Positions, 22 July 1980.
- Exhibit No. 197 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Offshore Resources: A Summary of Recommendations and Positions, 24 July 1980.
- Exhibit No. 198 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - A New Upper Chamber: Some Considerations, 24 July 1980.
- Exhibit No. 199 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Powers Affecting the Economy: A Summary, 28 July 1980.
- Exhibit No. 200 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Economic Union in Other Federations: A Summary, 28 July 1980.
- Exhibit No. 201 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Fisheries: A Summary of Recommendations and Positions, 28 July 1980.

- Exhibit No. 202 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Powers Affecting the Economy: A Discussion of the Opening Statement by the Honourable Jean Chretien to the Continuing Committee of Ministers on the Constitution.
- Exhibit No. 203 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Communications: A Summary of Recommendations and Positions, 30 July 1980.
- Exhibit No. 204 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Family Law: A Background Paper, 3 August 1980.
- Exhibit No. 205 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Equalization: A Background Paper, 5 August 1980.
- Exhibit No. 206 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Native Peoples: A Background Paper, 6 August 1980.
- Exhibit No. 207 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Municipalities: A Background Paper, 8 August 1980.
- Exhibit No. 208 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Federal Powers: A Summary of Recommendations and Positions, 11 August 1980.
- Exhibit No. 209 - 1980 10 16 - SELECT COMMITTEE ON CONSTITUTIONAL REFORM - Native Peoples: Hunting and Fishing, 28 August 1980.

**APPENDIX D**  
**EXTRACT FROM THE ROYAL PROCLAMATION, 7 OCTOBER, 1763**  
**RESPECTING NATIVE PEOPLES AND THEIR LAND**

And whereas it is just and reasonable, and essential to our Interests, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds. --- We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also that no Governor, or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

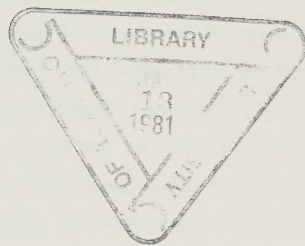
And we do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid;

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that purpose first obtained.

And, We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians to the great Prejudice of our Interests and to the great Dissatisfaction of the said Indians; in order therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of our Privy Council, strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie; and in case they shall lie within the limits of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as we or they shall think proper to give for that Purpose; And we do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or the Commander in Chief of any of Our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade . . . . .







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